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10 Attorneys for Defendants
11 LIBERTY LIFE ASSURANCE COMPANY OF
12 BOSTON

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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 THOMAS IRVING,

18 Plaintiff,

19 v.

20 LIBERTY LIFE ASSURANCE
21 COMPANY OF BOSTON

22 and

23 GROUP LONG TERM DISABILITY
24 PLAN FOR EMPLOYEES OF
25 COMCAST CORPORATION,

26 Defendants.

27 CASE NO. C12-04792 WHA

28 **CASE MANAGEMENT STATEMENT
AND REQUEST FOR CONTINUANCE ;
AND ORDER**

Date: January 17, 2013

Time: 11:00 a.m

Place: Courtroom 8, 19th Floor

Judge William S. Alsup

26 TO THE COURT AND TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS
27 OF RECORD HEREIN:

28 Defendant Liberty Life Assurance Company of Boston ("Liberty") hereby submits the
following Case Management Statement and request for continuance of the case management
conference currently scheduled for January 17, 2013. Plaintiff's counsel made an *ex parte*
application for such a continuance on January 9, 2013. This Court denied that application the
same day, finding that Plaintiff failed to show good cause for a continuance. But Plaintiff's

1 application failed to inform the Court that Plaintiff's counsel only mailed Liberty a waiver of
2 service of summons last week.

3 On January 2, 2013, Plaintiff mailed a waiver of service of summons to Liberty. Liberty
4 received that waiver on January 4, 2013. Liberty retained counsel in this matter, but that counsel
5 is still awaiting the administrative record. Liberty is not in a position to evaluate the case or
6 participate in either a scheduling conference with opposing counsel or a case management
7 conference with the Court until its counsel receives the administrative record and has an
8 opportunity to review it. Liberty therefore respectfully requests a continuance of the case
9 management conference for 21 days to permit its counsel to receive and review the administrative
10 record in this matter and to conduct a scheduling conference with opposing counsel.

11 Liberty is not able to file a meaningful case management statement at this time, as it
12 cannot speak to questions of fact, legal issues, possible motions Liberty may intend to file, or
13 other scheduling issues until its counsel has an opportunity to review the administrative record.

14 A proposed order continuing the case management conference is included with this filing
15 in the event the Court consents to Liberty's request for a short continuance to allow it to review
16 the file and meaningfully participate in the conference.

17 Dated: January 11, 2013

18 ROPERS, MAJESKI, KOHN & BENTLEY

19 By /s/ Stacy M. Tucker

20 PAMELA E. COGAN
21 STACY TUCKER
22 Attorneys for Defendants,
LIBERTY LIFE ASSURANCE
COMPANY OF BOSTON

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1 ORDER
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4 **IT IS HEREBY ORDERED** that, good cause being shown by Liberty, the case
5 to January 31, 2013, at 11:00 a.m.
6 management conference in this matter be continued ~~for 21 days, until February 7, 2013.~~
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8 Dated: January 14, 2013
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